

ORDINANCE NO. 1-2009

AN ORDINANCE AMENDING ORDINANCE NO. 4-2006, MADISON COUNTY SUBDIVISION  
REVIEW FEE SCHEDULE

WHEREAS, 76-3-602, MCA authorizes Madison County to establish reasonable fees to be paid by the subdivider to defray the expense of reviewing subdivision applications; and

WHEREAS, Madison County has charged subdivision review fees since the inception of its subdivision review program in 1974; and

WHEREAS, the Madison County subdivision review fees require periodic updating to reflect changes in state law and increasing administrative costs associated with County subdivision review; and

WHEREAS, the Madison County Subdivision Review Fees were adopted by Ordinance 4-2006; and

WHEREAS, Madison County has an adopted policy to have development pay its own way; and

WHEREAS, Madison County currently does not charge applicants for reviewing overall development plans submitted without a preliminary plat application, which represents a significant commitment in time, materials, notices and certified mailings; and

WHEREAS, Montana statute requires that notices for public hearings related to overall development plans and subdivisions be sent by certified mail and the number of notices sent may vary significantly by development type; and

WHEREAS, the meaning of "lot" to equate one condominium unit or one RV or mobile home space or one townhouse is not explicitly stated for some fees; and

WHEREAS, the proposed changes to the Madison County Subdivision Review Fees, were posted for public review and comment and a public hearing was advertised; and

WHEREAS, there were no comments received either before or during the January 26, 2009, hearing before the Planning Board; and

WHEREAS, the Planning Board recommends that the Madison County Subdivision Review Fees be amended as proposed; and

WHEREAS, the Madison County Board of Commissioners has reviewed the Planning Board's recommended proposal; and

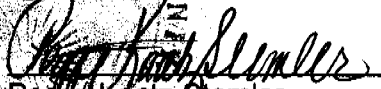
WHEREAS, copies of the proposed fee schedule have been made available for public review and comment at: the libraries in Ennis, Sheridan, Twin Bridges and Virginia City; the offices of the Big Sky Homeowners Association; post offices throughout the County; the Madison County Planning Office; the Madison County Clerk and Recorder's Office; the Madison County Commissioners' Office and posted on the Madison County website, [www.madison.mt.gov](http://www.madison.mt.gov);

NOW, THEREFORE BE IT ORDAINED, as follows:

- (a) The subdivision review fee schedule attached to this Ordinance is part of this Ordinance.
- (b) The attached subdivision review fee schedule replaces the fee schedule in the Madison County Subdivision Regulations adopted in September 2006 and amended by Ordinance No. 2-2008.

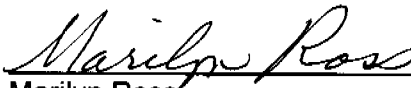
PASSED AT FIRST READING by the Board of Madison County Commissioners this 17<sup>th</sup> day of February 2009.

ATTEST

  
Peggy Keatz-Stemler  
Clerk and Recorder  
Madison County

APPROVED:

  
David Schulz, Chairman

  
Marilyn Ross


James P. Hart

Board of Commissioners  
Madison County

This ordinance shall take effect as of April 2, 2009.

PASSED AT SECOND READING by the Board of Madison County Commissioners this 3 day of March, 2009.

ATTEST

  
Peggy Keatz-Stemler  
Clerk and Recorder  
Madison County

APPROVED:

David Schulz, Chairman

  
Marilyn Ross

  
James P. Hart

Board of Commissioners  
Madison County

**MADISON COUNTY**  
**SUBDIVISION REVIEW FEE SCHEDULE**  
(Effective: \_\_\_\_\_, 2009)

Pursuant to 76-3-201 and 602, MCA, the subdivider shall pay the following non-refundable fees:

<b>PLANNING DEPARTMENT FEES</b> (fees paid to Madison County Planning Department)		
<b>1. Subdivision Review:</b> <i>Applicable to all new subdivisions and amended plats going through the subdivision process. Fees are based on Subdivision Type and Number of Lots. One condominium unit or one RV or mobile home space or one townhouse equates to one lot.</i>		
	<ul style="list-style-type: none"> <li>• First Minor Subdivision, 1-2 lots</li> <li>• First Minor Subdivision Expedited Review, 1-5 lots (<i>property must be located in an area covered by a current Community Plan</i>)</li> </ul>	<ul style="list-style-type: none"> <li>• First Minor Subdivision, 3-5 lots</li> <li>• Subsequent Minor Subdivision, 1-5 lots</li> <li>• Major Subdivision, 6+ lots</li> </ul>
Pre-application	\$100	\$100
Preliminary Plat or Plan	\$850	\$3,000 + \$100 for each lot over 3 plus actual certified mailing cost (Note – For the first application submitted under a previously approved Overall Development Plan or plan amendment, the fee is reduced by \$1,000.)
Final Plat or Plan	\$150	\$1,000 + \$50 for each lot over 3
<b>2. Overall Development Plan Review</b>	No Charge	\$1,000 plus certified mailing cost (Note - Applicable to new plans and plan amendments when not included as part of a subdivision application)
<b>3. Amended Conditions of Preliminary Plat Approval Review:</b> <i>Applicable to requests made after the governing body has conditionally approved a preliminary plat.</i>		\$1,000
<b>4. Amended Plat Review:</b> <i>Applicable to plats which do not qualify as subdivision exemptions, and which do not have to go through the subdivision process, but which require the review and approval of the governing body</i>		\$1,000
<b>5. Variance Request Application</b>		
<ul style="list-style-type: none"> <li>• Submitted with preliminary plat</li> <li>• Submitted after preliminary plat approval is granted</li> </ul>		\$500 per variance requested \$2,000 per variance requested
<b>6. Building Envelope Change Review:</b> <i>Applicable to non-platted building envelopes. Platted building envelopes are subject to the Amended Plat Review.</i>		
Review of proposed change		\$500
Appeal of Planning Department decision		\$750

<b>7. PUBLIC SAFETY REVIEW FEES</b> <i>(fee paid to the Madison County Planning department for distribution to the Office of Emergency Management)</i>		
<b>Review Type</b>	<b>1-2 Lots/Spaces/Units</b>	<b>3 or More Lots/Spaces/Units</b>
Overall Development Plan <i>(Note: Fee waived when submitted with a subdivision)</i>	\$100	\$100
Pre-Application	\$100	\$80+\$10/lot
Application	\$ 50	\$60+\$10/lot
Final Inspection	\$ 70	\$70+\$10/lot

**8. Noxious Weed Management Plan** *(Fee goes to the Madison County Weed Department)*

Proposed subdivisions of:

- Five or fewer lots/spaces/units - \$75 plus mileage (at State rate per mile)
- Six or more lots/spaces/units - \$75 plus mileage (at State rate per mile) plus \$7.50 per lot

**9. Sanitation Review Fee where proposed lots are 20 or more acres** *(Fee goes to the Madison County Planning Department for distribution to the Sanitarian's Office)*

- \$100 per subdivision application + \$50 per lot/space/unit + mileage (at State rate per mile).

**10. Subdivision Exemption Review Fee** *(Fee is paid to the Madison County Clerk & Recorder, then split equally among the Madison County Clerk & Recorder's Office, Sanitarian's Department, and Planning Department)*

- \$150

**11. Subdivision Recording Fees**

- As set by Madison County Clerk & Recorder's Office. Fees are due at the time documents are submitted for filing/recording.

130376 MADISON CO Pages: 0  
STATE OF MONTANA MADISON COUNTY  
RECORDED: 03/04/2009 9:45 KOI: MADISON CO  
Peggy Katz CLERK AND RECORDER  
FEE: \$0.00 BY: *D. H. Officina, Deputy*  
TO: FILE 101-E 5 PGS,

*dy*

**ORDINANCE 2009-1**

**Amending Subdivision Review  
Fee Schedule  
(Ordinance 2006-4)**